

Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the present application.

1. (currently amended) An isolated DNA molecule encoding a hypersensitive response eliciting protein or polypeptide, wherein the isolated DNA molecule is selected from the group consisting of (a) a DNA molecule comprising ~~SEQ. ID. No. SEQ ID NO: 1~~, (b) a DNA molecule encoding a protein comprising ~~SEQ. ID. No. SEQ ID NO: 2~~, (c) a DNA molecule, the complement of which hybridizes to a DNA molecule comprising the complement of ~~SEQ. ID. No. SEQ ID NO: 1~~ under hybridization conditions comprising hybridization at 50°C for 24 hours in a solution that comprises 6X SSC and 0.5% SDS, followed by wash conditions comprising a first wash at 45°C in a solution that comprises 2X SSC and a second wash at 45°C in a solution comprising 0.1X SSC ~~a temperature of about 65°C in a hybridization medium comprising about 1M NaCl~~, and (d) a, or an isolated DNA molecule complementary to DNA molecules (a), (b), or (c).
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2. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule comprising ~~SEQ. ID. No. SEQ ID NO: 1~~.
3. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule encoding a protein comprising ~~SEQ. ID. No. SEQ ID NO: 2~~.
4. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule, the complement of which hybridizes to a DNA molecule comprising SEQ ID NO: 1 under hybridization conditions comprising hybridization at 50°C for 24 hours in a solution that comprises 6X SSC and 0.5% SDS, followed by wash conditions comprising a first wash at 45°C in a solution that comprises 2X SSC and a second wash at 45°C in a solution comprising 0.1X SSC ~~which hybridizes to a~~ DNA molecule comprising the complement of ~~SEQ. ID. No. 1~~ ~~under conditions comprising~~ hybridization at ~~a temperature of about 65°C in a hybridization medium comprising about 1M NaCl~~.

5. (previously amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule complementary to DNA molecules (a), (b), or (c).

6. (previously amended) An expression vector comprising the DNA molecule of claim 1.

7. (previously amended) An expression vector according to claim 6, wherein the DNA molecule is in sense orientation.

8. (original) A host cell transformed with the DNA molecule of claim 1.

9. (previously amended) A host cell according to claim 8, wherein the host cell a plant cell or a bacterial cell.

10. (previously amended) A host cell according to claim 8, wherein the DNA molecule is comprised within an expression vector.

11-39 (canceled)